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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/085,755	05/27/1998	FRAMPTON ERROLL ELLIS, III	GNC12US	7351

909 7590 08/22/2003  
PILLSBURY WINTHROP, LLP  
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MCLEAN, VA 22102

EXAMINER

DINH, DUNG C

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/22/2003

31

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/085,755

Applicant(s)

ELLIS, III, FRAMPTON ERROLL

Examiner

Dung Dinh

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 30.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2153

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

Claims 9-36, 42-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertazzi et al. US patent 5,889,989 further in view of Hodroff US patent 5,592,376, Hortensius et al. US patent 5,917,629, and Hillis US patent 5,535,408.

As per claim 9, Robertazzi discloses a system comprising:

a server (fig.1A controller 103);

at least two network of computers (fig.1A 105,107,109)

connected to ther server computer through a network (114);

a first mechanism for the server to function as a master in a shared processing operation, including parallel processing, involving at least two personal computers, connected to the server through the network (114), functioning as slaves to said master (col.1 lines 10-15);

Art Unit: 2153

a second mechanism for the server to subdivide the operation into a plurality of parts, and to send one of the parts to each of the slaves for processing by the slaves (col.2 lines 66 - col.3 line 5); and

a compensation determining mechanism to determine compensation for processing service provided by the personal computers in the shared processing operation (col.3 lines 22-42).

Robertazzi does not teach determining a net charge based not a difference between the monitored amount of processing power provided and the monitored amount of network resource used by the personal computer.

It is known in the art to barter / exchange excess capacity for other goods and services. Hodroff discloses one such system [col.5 lines 16-24, col.2 lines 61-64]. The type of good or service being exchange for the excess capacity clearly would have been a matter of agreement among the participating parties. Since, the user normally must pay for network service. It would have been clearly obvious to barter the excess processing power (i.e. idle computer processing power) in exchange for discount on network access because it would have reduced the cost of the user's network access usage.

It is basic business practice that a net charge is based on the difference of the amount of credit earned and the amount of

Art Unit: 2153

credit spent. It is inherent that the system would have a monitoring mechanism to measure the amount of processing power provided from the user and the amount of network access used by the user in order to maintain and calculate the net cost/credit to the user of the personal computer.

Robertazzi does not teach the computers include wireless network connection. The type of network used would clearly have been a matter of design choice. Hortensius teaches an improved wireless network system that can maintain compatible with a wired network. It would have been obvious for one of ordinary skill in the art to use the wireless network of Hortensius to connect the computers of Robertazzi because it would have provided low cost mobile computers, high-speed communication, and compatibility with wired networks computers [Hortensius col.6 lines 19-36].

Robertazzi does not teach a computer having a microchip with a control unit and plural processing units. Hillis teaches a microchip with a control unit and plural processing units [fig.1A] that enable a user to control the processing units for parallel processing operations [col.3 lines 20-25] wherein the microchip provides active configuration of one or more circuit of the microchip [col.5 lines 39 to col.6 line 37]. It would have been obvious for one of ordinary skill in the art to use the microchip of Hillis in the computers of Robertazzi because it would have

Art Unit: 2153

provided more processing powers for parallel tasks execution and alleviated 'von Neuman Bottleneck' problem of traditional single processor computer [col.1 line 55 to col.2 line 27].

As per the various limitations claimed in 7 to 36: Internet, single chip computer, transmission speed, etc., these limitations are clearly obvious variation within scope of the prior art teaching and would have been obvious to one of ordinary skill in the art. The financial and cost calculations, measurement would have clearly been apparent as a business process of bartering/exchange of computer processing power.

As per claims 42-67, they are rejected under similar rationales as for claims 9-36, 73 above.

Claims 37-41, 68-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertazzi, Hodroff, Hortensius, Hillis, and further in view of Besemer US patent 4,245,306.

As per claims 37-41 and 68-72, Robertazzi does not teach a firewall in the computer to control access by other computers to hardware resources in the computer. In similar field of invention, Besemer teaches a system for sharing resources among computers connected via a network. Besemer teaches means for regulating other computer access to hardware in another computer [col.1 lines 45-59]. Hence, it would have been obvious for one of ordinary skill in the art to combine the teaching with Robertazzi

Art Unit: 2153

because it would have provided orderly and efficient use of available resources among the computers [col.1 line 55-59]. The specific type of resource being shared or protected would have been a matter of design choice and would have been readily apparent to one of ordinary skill in the art in implementing Robertazzi system as modified.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 2100 Customer Service whose telephone number is (703) 306-5631.


**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**or faxed to:**

(703) 746-7238, (for formal communications intended for entry)  
(703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).



Dung Dinh  
Primary Examiner  
August 20, 2003